

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JOSHUA DAVID NELSON LONDON**

**PLAINTIFF**

**V.**

**CIVIL ACITN NO 1:23-CV-45-DAS**

**KILOLO KIJAKAZI, ACTING COMMISSIONER  
OF THE SOCIAL SECURITY ADMINISTRATION<sup>1</sup>**

**DEFENDANT**

**ORDER AWARDING ATTORNEY FEES**

Before the court is the claimant's motion for payment of attorney fees pursuant to the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. The court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA as the prevailing party, asserting the Commissioner's position was not substantially justified. By the motion and attached exhibits, the claimant requested an award of \$ in attorney's fees, representing 27.9 hours of work, all performed in 2023. The plaintiff and defendant agree that the hourly rate for this work in this year should be \$ 241.15 per hour, for a total attorney fee of \$ 6,728.09. There being no objection to the reasonableness of the time claimed, the motion is granted.

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<sup>1</sup> Kilolo Kijakazi has been the Acting Commissioner of Social Security since July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be named as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). The Clerk of the Court shall correct the docket to reflect the substitution of the party.

**IT IS ORDERED** that the claimant's motion for payment of attorney fees under the EAJA is granted. The defendant is directed to pay \$ 6,728.09 for attorney fees. The check shall be made payable to the claimant and mailed to the attorney's address.

**SO ORDERED** this the 26th day of September, 2023.

/s/ David A. Sanders

**U.S. MAGISTRATE JUDGE**